

Commonwealth of Kentucky
Cabinet for Human Resources
Department for Medicaid Services

907 KAR 1:300,
Withholding the federal share of payments to
recover Medicare or Medicaid overpayments.

Summary of Incorporated materials

October, 1991

42 CFR 447.30 and 447.31 (implemented June 10, 1985) which are incorporated by reference in this regulation consist of three pages.

42 CFR 447.30 which provides for withholding the federal share of payments to Medicaid providers to recover Medicare overpayments contains the following elements:

- (a) Basis and purpose;
- (b) An explanation as to when withholding occurs;
- (c) An explanation as to which providers are affected;
- (d) Provisions for the order to the state Medicaid agency to **withhold**;
- (e) Provisions for notice to the state Medicaid agency and the provider; provision for appeal by the **state Medicaid** agency; provision for reporting by the state Medicaid agency;
- (f) A statement as to the amount to be withheld;
- (g) Effective date of withholding;
- (h) Duration of withholding;
- (i) Procedures for termination of withholding;
- (j) Procedures for restoring excess withholding; and
- (k) A provision that the provider is not entitled to recover from the state Medicaid agency the amount of payment withheld by the agency in accordance with a HCFA order issued pursuant to 42 CFR 447.30(d).

42 CFR 447.31 which provides for withholding Medicare payments to recover Medicaid overpayments contains the following elements:

- (a) Basis and purpose;
- (b) Provisions for notice to providers;
- (c) An explanation of the documentation that must be submitted to HCFA with the request for withholding;
- (d) **Provisions for notification to HCFA to terminate withholding**;
- (e) Provision for accounting for returned overpayments; and
- (f) A requirement for procedures for restoring excess withholding to the provider from which the excess was withheld.